

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 5
OFFERED BY MR. KLINE OF MINNESOTA**

Page 31, line 20, insert “, on an annual and subject-by-subject basis,” after “determining”.

Page 31, line 25, strike “are informed” and insert “are clearly informed, as part of the process for developing the Individualized Education Program (as defined in section 614(d)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)),”.

Page 32, line 8, insert “as defined in section 6101(36)(A)” after “diploma”.

Page 32, after line 8, insert the following (and redesignate provisions accordingly):

1 “(iii) ensures that students with the
2 most significant cognitive disabilities who
3 take an alternate assessment based on al-
4 ternate academic achievement standards
5 are not precluded from attempting to com-
6 plete the requirements for a regular sec-
7 ondary school diploma, as determined by
8 the State;

Page 45, after line 2, insert the following:

1 “(6) RULE OF CONSTRUCTION.—A State plan
2 shall be presumed approved upon submission unless
3 the Secretary finds that the plan does not meet one
4 of the required elements, but in no case shall a defi-
5 ciency be found due to the content of the material
6 submitted.”

Page 47, after line 13, insert the following (and re-
designate provisions accordingly):

7 “(iv) the number, percentage, and dis-
8 ability category of students with significant
9 cognitive disabilities participating in the al-
10 ternate assessments described in sub-
11 section (b)(2)(C) (except that such report-
12 ing shall not be required in a case in which
13 the results would reveal personally identifi-
14 able information about an individual stu-
15 dent);

Page 85, strike lines 20 through 23, and insert the
following:

16 “(K) at what time and where services will
17 be provided; and

Page 231, after line 3, insert the following:

1 “(7) A description of how the State will estab-
2 lish, implement, or improve policies and procedures
3 on background checks for school employees and con-
4 tractors who have direct unsupervised access to stu-
5 dents, which may be conducted and administered by
6 the State or local educational agencies, including
7 by—

8 “(A) expanding the registries or reposi-
9 tories searched when conducting background
10 checks, including—

11 “(i) the State criminal registry or re-
12 pository of the State in which the school
13 employee resides;

14 “(ii) the State-based child abuse and
15 neglect registries and databases of the
16 State in which the school employee resides;

17 “(iii) the Federal Bureau of Investiga-
18 tion fingerprint check using the Integrated
19 Automated Fingerprint Identification Sys-
20 tem;

21 “(iv) the National Sex Offender Reg-
22 istry established under the Adam Walsh
23 Child Protection and Safety Act of 2006
24 (42 U.S.C. 16901 et seq.); and

1 “(v) the National Crime Information
2 Center;

3 “(B) establishing, implementing, or im-
4 proving policies and procedures that prohibit
5 employing as a school employee an individual
6 who—

7 “(i) refuses to consent to a back-
8 ground check;

9 “(ii) makes false statements in con-
10 nection with a background check;

11 “(iii) has been convicted of a felony,
12 consisting of—

13 “(I) homicide;

14 “(II) child abuse or neglect;

15 “(III) a crime against children,
16 including child pornography;

17 “(IV) domestic violence;

18 “(V) a crime involving rape or
19 sexual assault;

20 “(VI) kidnaping;

21 “(VII) arson; or

22 “(VIII) physical assault, battery,
23 or a drug-related offense, committed
24 on or after the date that is 5 years

1 before the date of the individual's
2 criminal background check;

3 “(iv) has been convicted of any other
4 crimes, as determined by the State; or

5 “(v) is registered or required to be
6 registered on a State sex offender registry
7 or the National Sex Offender Registry es-
8 tablished under the Adam Walsh Child
9 Protection and Safety Act of 2006 (42
10 U.S.C. 16901 et seq.);

11 “(C) establishing, implementing, or im-
12 proving policies and procedures for States, local
13 educational agencies, or schools to provide the
14 results of background checks to—

15 “(i) individuals subject to the back-
16 ground checks in a statement that indi-
17 cates whether the individual is ineligible
18 for such employment due to the back-
19 ground check and includes information re-
20 lated to each disqualifying crime;

21 “(ii) the employer in a statement that
22 indicates whether a school employee is eli-
23 gible or ineligible for employment, without
24 revealing any disqualifying crime or other

1 related information regarding the indi-
2 vidual;

3 “(iii) another employer in the same
4 State or another State, as permitted under
5 State law, without revealing any disquali-
6 fying crime or other related information re-
7 garding the individual; and

8 “(iv) another local educational agency
9 in the same State or another State that is
10 considering such school employee for em-
11 ployment, as permitted under State law,
12 without revealing any disqualifying crime
13 or other related information regarding the
14 individual; and

15 “(D) developing, implementing, or improv-
16 ing mechanisms to assist local educational
17 agencies and schools in effectively recognizing
18 and quickly responding to incidents of child
19 abuse by school employees.

Page 234, line 17, strike “teachers and school lead-
ers” and insert “teachers, school leaders, and if appro-
priate, specialized instructional support personnel”.

Page 239, beginning on line 8, strike “teachers and
school leaders” and insert “teachers, school leaders, and

if appropriate, specialized instructional support personnel”.

Page 243, line 6, strike the final quotation marks and period at the end.

Page 243, after line 6, insert the following:

1 **“SEC. 2134. EMPLOYEE TRANSFERS.**

2 “A local educational agency or State educational
3 agency shall be ineligible for funds under this Act if such
4 agency knowingly facilitates the transfer of any employee
5 if the agency knows, or has probable cause to believe, that
6 the employee engaged in sexual misconduct with a stu-
7 dent.”.

Page 262, line 22, strike “and” at the end

Page 263, line 2, strike the period at the end and
insert “; and”.

Page 263, after line 2, insert the following:

8 “(C) has a timely and efficient approval
9 process to approve or disapprove a teacher or
10 school leader preparation academy.

Page 345, line 4, strike “(I) or (III)” and insert
“(I), (II), or (IV)”.

Page 348, after line 9, insert the following (and redesignate provisions accordingly):

1 “(II) educational service agency;

Page 348, line 12, strike “(I) or (II)” and insert “(I), (II), or (III)”.

Beginning on page 381, strike line 24 through page 383, line 4, and insert the following:

2 (e) HOLD HARMLESS.—Section 8003(e) (20 U.S.C.
3 7703(e)) is amended to read as follows:

4 “(e) HOLD HARMLESS.—The maximum amount that
5 a local educational agency is eligible to receive, as calculated under paragraph (1)(C), (2)(C), or (2)(D) of subsection (b), shall not be less than 90 percent of the calculated maximum amount that was used to determine the
6
7
8
9 local educational agency’s payment for subsection (b)(1)
10 or (b)(2) in the previous fiscal year for a period not to
11 exceed 3 consecutive fiscal years, if such agency meets the
12 eligibility requirements of paragraph (1)(B) or (2)(B) of
13 subsection (b).”.

Beginning on page 570, strike line 1 through page 572, line 24 (and redesignate provisions accordingly).

Page 574, beginning on line 19, strike **“and Parental Rights Over the Education of Their Children”**.

Page 574, line 24, strike “No” and insert “In order to ensure local control over the acceptance of federal funds, no”.

Page 575, line 6, strike “have waived” through “assistance” on line 9, and insert “have affirmatively agreed to abide by the conditions attached to the receipt of such funds”.

Page 575, line 23, strike “waiving the State’s rights” through “assistance” on line 25 and insert “has affirmatively agreed to abide by the conditions attached to the receipt of such funds”.

Page 576, after line 21, insert the following (and redesignate provisions accordingly):

1 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to allow the Secretary to condition
3 the receipt of any grant funds under this Act on the adop-
4 tion of any specific standards, including the Common Core
5 State Standards, assessments, or curriculum.

Page 577, after line 25, insert the following:

1 **“SEC. 6565. PRIVACY.**

2 “The Secretary shall ensure each grantee receiving
3 funds under this Act understands the importance of pri-
4 vacy protections for students and is aware of their respon-
5 sibilities under section 444 of the General Education Pro-
6 visions Act (20 U.S.C. 1232g) (commonly known as the
7 ‘Family Education Rights and Privacy Act of 1974’).

Page 620, after line 8, add the following:

8 **SEC. 802. PREVENTING IMPROPER USE OF TAXPAYER**
9 **FUNDS.**

10 To ensure any misuse of taxpayer funds is stopped
11 or prevented before it occurs, the Secretary of Edu-
12 cation—

13 (1) shall ensure that each recipient of a grant
14 or subgrant under the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 6301 et seq.)
16 prominently displays the Department of Education
17 Office of Inspector General hotline contact informa-
18 tion so any individual who observes, detects, or sus-
19 pects improper use of taxpayer funds can easily re-
20 port such improper use;

21 (2) annually shall notify employees of the De-
22 partment of Education of their responsibility to re-
23 port fraud; and

1 (3) shall ensure that applicants for grants or
2 subgrants under such Act are aware of their require-
3 ment to submit truthful and accurate information
4 when applying for grants or subgrants and respond-
5 ing to monitoring and compliance reviews.

